IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23857 of 2004

Between:

1 S. Adinarayana, S/o. S. Venkata Ramana,
District Scheduled Castes Co-operative Society Limited,
MPDO, Punganur, Chittoor District.
2 N. Srinivasa Rao, S/o. Venkateswara Rao,
District Scheduled Castes Co-operative Society Limited,
MPDO, Vayalpadu, Chittoor District.

..... PETITIONERS

AND

1 The District Scheduled Castes Co-operative Society
Limited, Rep. by its Executive Director,
Chittoor, Chittoor District.
2 The Executive Engineer, The District Scheduled Castes Co-
operative SocietyLimited,
Chittoor, Chittoor District.
3 The District Collector, Chittoor, Chittoor District.
4 The Managing Director, Scheduled Castes Finance
Corporation, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the respondents to grant increments to the petitioners w.e.f 1-2-1999 and to fix their pay scale in terms of revised pay scales of 1999 w.e.f 1-7-1999 with monitory benefits from 1-4-1999 and with all consequential benefits such as further increments and other appointment benefits etc and pass such other order or orders

Counsel for the Petitioner: MR.MD.SALEEM

Counsel for the Respondents: MR.M.V.S.SURESH KUMAR

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO:23857 of 2004

ORDER:

With the consent of both the parties, the main writ petition itself is taken up for final hearing and disposal.

2. This writ petition is filed seeking a mandamus directing the respondents to grant increments to the petitioners with effect from 01-02-1999 and to fix their pay in terms of the revised pay scales, 1999 with effect from 01-07-1999.

3. The petitioners are working as Work Inspectors in the respondent-District Scheduled Castes Co-operative Society limited (for brevity 'Society'), on a consolidated pay of Rs.500/- per month, and they were allowed for regular pay scales from 01-02-1989, vide proceedings Roc.No.5/EW/87, dated 01-05-1987. While so, the Government issued G.O.Ms.No.114, dated 11-08-1999, with regard to the revising of pay scales, with effect from 01-07-1998 with monetary benefits from 01-04-1999. But, the 1st respondent failed to implement the orders to the petitioners and did not sanction the increments to them with effect from 01-02-1999. To that effect, the petitioners have made several representations to the respondents, but they have not taken any action for implementation of the said G.O.

4. A counter affidavit has been filed by the 1st respondent, stating that though the Chief Engineer, Tribal Welfare, directed the 2nd respondent to engage not more than 8 persons, the 2nd respondent engaged more than 64 persons as technical Work Inspectors, contrary to the G.O.Ms.No.200, dated 12-08-1985. Thereafter, some of the Work Inspectors filed W.P.No.12573 of 2001, before this Court, seeking direction to grant increments and to fixation of their posts in terms of revised pay scales of 1999 with effect from

01-07-1988. The learned counsel for the respondent-Society submitted that during the pendency of the writ petition, the respondent-Society has implemented the revised pay scales and placed the proceedings dated 18-10-2001, issued by the 2nd respondent. Based on the submissions made by the counsel for the respondent-Society, this Court directed the respondents to implement the proceedings dated 18-10-2001 and to revise pay scales of the petitioner. Aggrieved by the same, the respondent filed review petition and the same is pending. However, the post of Work Inspector is not a sanctioned post and the question of regularization of services in the cadre of Work Inspectors does not arise. G.O.Ms.No.114, dated 11-08-1999, is not applicable to the petitioners, since there is no sanctioned post of Work Inspector in the Engineering Wing in the District Society.

5. It is brought to the notice of this Court that during the pendency of the writ petition, the respondents have implemented the revised pay scales of 1999 and proceedings to that effect were issued by the Executive Engineer vide Proc.Rc.No.1/99/HC, dated 18-10-2001. However, learned counsel for the petitioners submits that though the proceedings were issued way back in the year 2001, they were not given effect to. It is also not asserted in the counter affidavit that the said proceedings were given effect to and the petitioners have been put on revised pay scales of 1999.

6. In view of the above, without expressing any opinion on merits, the writ petition can be disposed of by directing the respondents to implement the proceedings in Rc.No.1/99/HC, dated 18-10-2001 by putting the petitioners in A.P.Revised pay Scales, 1999 with effect from 01-07-1999. The respondents are further directed to pay the arrears accrued thereon to the petitioners, within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

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April 19, 2005

KVR

To

1 The District Scheduled Castes Co-operative Society Limited, Rep. by its Executive Director,
Chittoor, Chittoor District.
2 The Executive Engineer, The District Scheduled Castes Co-operative SocietyLimited,
Chittoor, Chittoor District.
3 The District Collector, Chittoor, Chittoor District.
4 The Managing Director, Scheduled Castes Finance Corporation, Hyderabad.

5 2 CD copies.